

PATENT

Atty Docket No.: 200308654-1
App. Ser. No.: 10/705,932

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the amendments above and the following remarks. Claims 1-4, 6-22 and 24 are pending of which claims 1, 14, 18 and 22 are independent. Claims 5 and 23 are canceled herein.

Claims 1-4 and 12-24 were rejected under 35 U.S.C. §102(a) as being anticipated by Arturo Crespo, Hector Garcia-Molina "Routing Indices For Peer-to-Peer Systems".

These rejections are respectfully traversed for the reasons stated below.

Claims 5-11 were objected to as including allowable subject matter but being dependent on a rejected base claim.

Claim Rejection Under 35 U.S.C. §102

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. § 102, is whether the reference discloses all the elements of the claimed combination, or the mechanical equivalents thereof functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals for the Federal Circuit in *Lindemann Maschinenfabrik GmbH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. § 102, the Court stated:

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Therefore, if the cited reference does not disclose each and every element of the claimed invention, then the cited reference fails to anticipate the claimed invention and, thus, the claimed invention is distinguishable over the cited reference.

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Claims 1-4 and 12-24 were rejected under 35 U.S.C. §102(e) as being anticipated by Crespo et al.

The features from objected claim 5 have been combined with independent claims 1, 14, 18 and 22.

Accordingly, claims 1-4, 6-22 and 24 are believed to be allowable.

Conclusion

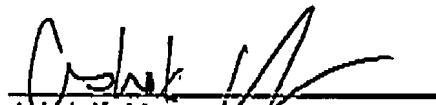
In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

Dated: October 15, 2007

By


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